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TC 280
MAIL ROOM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter J. Danish, et al.
Serial Number: 09/467,530
Filing Date: December 20, 1999
Examiner/Art Group Unit: Perez, G./2834
Title: WINDSHEILD WIPER MOTOR WITH
MOLDED SLEEVE AND THRUST
ELEMENTS

**PETITION FROM REQUIREMENT FOR
RESTRICTION PURSUANT TO 37 C.F.R. §1.144**

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In the Office Action dated March 15, 2001, a Restriction Requirement was imposed between the following inventions under 35 U.S.C. §121:

- I. Claims 1-7 drawn to electric generators and motor structure, classified in Class 310, Subclass 91.
- II. Claims 8-14 drawn to a method of mechanical manufacture of dynamo electric machines, classified in Class 29, Subclass 596.

A response to the Restriction Requirement was filed with a Certificate of Mailing on June 15, 2001. The response elected Group I corresponding to claims 1-7, classified in Class 310, Subclass 91 with traverse. Claims 15-28, including linking claims 23-24, were added in this response and are included in the elected claims of Group I. The Restriction Requirement was made final in the Office Action dated September 24, 2001. The present Petition From Restriction Requirement requests review of the Restriction Requirement by the Commissioner pursuant to 37 C.F.R. §1.144.

The Examiner states that the plastic annular sleeve and thrust member can be made by other materially different processes like extrusion, vacuum forming, machining and other processes and then pressed or inserted in the assigned position. A cursory review of the claims reveals that all claims are directed to a single

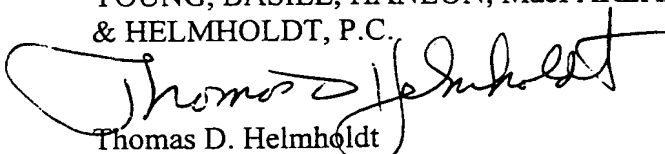
inventive concept of forming in situ plastic molded bearings for motor/gear drives. As set forth in the specification, the process is important to reduce build up of tolerances and other problems that plague the prior known bearings such as those being cited by the Examiner in rejecting the present claims.

It is submitted that the restriction requirement is improper because the Examiner has not considered linking claims 23-24 pursuant to M.P.E.P. §809 which states that "linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn." The claimed invention is related as process, product by process and product claims.

As should be evident from a cursory review of the essential characteristics of the single disclosed invention set forth in the present application, the restriction requirements imposed in the Office Action dated March 15, 2001 is improper. The Commissioner is requested to instruct the Patent Examiner to withdraw the Final Office Action dated September 24, 2001, and to issue a new Office Action withdrawing the Restriction Requirement and examining claims 8-14, 19-22, and linking claims 23-24 on the merits pursuant to M.P.E.P. §809 and §2111. The Commissioner's review of this Restriction Requirement is requested. A check for the Petition fee of \$130.00 is enclosed with this petition.

Respectfully submitted,

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